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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/346,910	11/30/1994	STUART A LIPTON	00108017004	3596

7590 10/21/2002

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EXAMINER
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GUCKER, STEPHEN

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 10/21/2002

34

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
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DEA/FCE-1994

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34	

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed on 9/30/02 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): the request for information under 37 CFR 1.105 (Paper No. 30, filed 3/25/02, pages 2-3) specifically inquired as to the nucleotide sequence of deposited clone ATTC 97525. Applicant's representative has responded by supplying a paper copy of a sequence listing and a CRF copy. However, there is:

- 1) No amendment to enter this paper copy into the specification;
- 2) The statement that the paper copy and the CRF copy of the sequence listing are identical was not made by a representative of record of the Applicant in this Application, and;
- 3) The statement itself was deficient in that it did not indicate that the sequence listings were not new matter.

In addition, there is no indication made by Applicant's representative as to what the relationship is between this sequence listing and the instant Application, i.e. is the single sequence provided the nucleotide sequence of deposited clone ATTC 97525? If so, Applicant's representative should amend the application to recite the SEQ ID NO in both the specification and the claims and the Examiner will complete the search in this Application and that will hopefully result in an allowance for the Applicant if

no prior art is found or an art rejection that Applicant can use to make a reasonable determination on how to proceed with prosecution.

The Examiner agrees with the Applicant's representative's feelings in the revised brief on appeal that "enough is enough" (page 5) and wants to work with Applicant's representative to bring this case to a close and will make every effort to assist Applicant's representative to do so after Applicant's representative makes a complete and fully responsive amendment to the issues at hand.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (703) 308-6571. The examiner can normally be reached on Monday to Friday from 0930 to 1800. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4623. The fax phone number for this Group is currently (703) 308-4242, but Applicant should confirm this by phoning the Examiner before faxing.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SG

Stephen Gucker

October 17, 2002

Gary L. Kunz  
GARY KUNZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800